

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Art Unit: 2175

Kenneth L. Levy

Conf. No.: 2418

Application No.: 10/602,549

Filed: June 23, 2003

For: Embedded Data Windows in Audio  
Sequences and Video Frames

**VIA ELECTRONIC FILING**

Examiner: Jordany Nunez

Date: September 9, 2008

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

Mail Stop Appeal Brief – Patents  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is responsive to the Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed September 8, 2008.

The Status of Claims section, in Appellant's initial Response to Notification of Non-Compliant Appeal Brief August 6, 2008, failed to identify which claims were on appeal. We apologize for this oversight.

Please find a corrected "Status of Claims" on the following page.

**STATUS OF CLAIMS**

Claims 1-16, 23, 25, 27-30, 33 and 35-40 are pending in the present application. *See the final Office Action, Office Action Summary, item 4.*

Claims 1-16, 23, 25, 27-30, 33 and 35-40 stand finally rejected. *See the final Office Action, Office Action Summary, item 6.*

Claims 1-16, 23, 25, 27-30, 33 and 35-40 are on Appeal. *See the April 7, 2008, Notice of Appeal.*

Claims 17-22, 24, 26, 31, 32 and 34 were previously canceled. *See the March 15, 2007 Amendment, Amendments to the Claims.*

**CONCLUSION AND REQUEST FOR REVERSAL**

Appellant respectfully requests the Board to reverse the final rejection of the pending claims.

Date: September 9, 2008

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Respectfully submitted,

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